

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In Re: AJMAL JAHED,  
Address: 5912 Brill Court, Falls Church, VA 22041

Debtor.

Case No: 10-18033-SSM

SUNTRUST BANK,

Plaintiff,

Chapter 7

v.

AJMAL JAHED,  
KEVIN R. MCCARTHY, Trustee,

Defendants.

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND HEARING

SunTrust Bank, a creditor in this case, has filed papers with the Court to obtain relief from the provisions of the automatic stay of the Bankruptcy Code with regard to certain property more particularly described in those papers which are attached.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant this creditor relief from the provisions of the automatic stay of the Bankruptcy Code, or if you want the Court to consider your views on the Motion for Relief from the Automatic Stay, then on or before April 12, 2011, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(C) and 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

William C. Redden, Clerk  
U.S. Bankruptcy Court  
Alexandria Division  
200 South Washington Street  
Alexandria, VA 22314-5405

You must also mail a copy of any such response to:

Jason L. Hamlin, Esquire  
Melissa M. Watson Goode, Esquire  
Glasser and Glasser, P.L.C.  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510

**Attend the preliminary hearing scheduled to be held on April 20, 2011 at 9:30 a.m. in the Courtroom I, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314-5405.**

**If no timely response has been filed opposing the relief requested, the Court may grant the relief requested in the Motion for Relief from Stay.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion for Relief from Automatic Stay and may enter an Order granting that relief.

Date: March 29, 2011

Signature: /s/Melissa M. Watson Goode

Name: Jason L. Hamlin, VSB #46931  
Melissa M. Watson Goode, VSB #73516  
Glasser and Glasser, P.L.C.  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2011, a true copy of the foregoing Notice of Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Kevin R. McCarthy, Trustee, and was mailed, first class, postage prepaid to Ajmal Jahed, Debtor, at 5912 Brill Court, Falls Church, VA 22041.

/s/Melissa M. Watson Goode  
Jason L. Hamlin, VSB #46931  
Melissa M. Watson Goode, VSB #73516  
Glasser and Glasser, P.L.C.  
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In Re:

AJMAL JAHED,

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SUNTRUST BANK,

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KEVIN R. MCCARTHY, Trustee,

Defendants.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

**TO ALL DEFENDANTS:**

**Pursuant to Rule 4001(a)-1(C) of the Local Rules of the United States Bankruptcy Court of the Eastern District of Virginia, you have fourteen (14) days from March 29, 2011, the date of service of this Motion upon you, to file a written response thereto and you must file such response with the Clerk of the United States Bankruptcy Court, Eastern District of Virginia, Alexandria Division, 200 South Washington Street, Alexandria, VA 22314-5405, and serve a copy of same upon the Plaintiff's attorneys, Jason L. Hamlin and/or Melissa M. Watson Goode, at Crown Center, Suite 600, 580 East Main Street, Norfolk, VA 23510.**

Jason L. Hamlin, VSB #46931  
Melissa M. Watson Goode, VSB #73516  
Glasser and Glasser, P.L.C.  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510  
(757) 625-6787  
Attorneys for SunTrust Bank

**Glasser and Glasser, P.L.C.**  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510-2212

TO THE HONORABLE STEPHEN S. MITCHELL:

Your Plaintiff, SunTrust Bank, respectfully represents as follows:

1. That this is a core proceeding within the meaning of the Bankruptcy Code and Rules.

2. That on September 23, 2010, the above-named Debtor filed a Petition in this Court.

3. That Kevin R. McCarthy was appointed Trustee of the property, has qualified and is now acting.

4. That at the time of the filing of the Debtor's Petition herein, the Debtor had an ownership interest in certain real property and improvements having a street address of 5912 Brill Court, Falls Church, Virginia located in the County of Fairfax, Virginia, more particularly described as follows:

Lot 3, Baileys Estates, as the same is duly dedicated, platted and recorded in Deed Book 18071 at Page 1148 among the land records of Fairfax County, Virginia.

5. That the Plaintiff is the holder of a Deed of Trust Note dated October 20, 2006, in the original principal amount of \$1,000,000.00 with interest thereon from said date at the rate of 6.5% per annum, secured by a Deed of Trust on said real property and improvements recorded in the Clerk's Office of the Circuit Court of the County of Fairfax, Virginia, on which there is an unpaid principal balance owing to the Plaintiff of \$1,000,000.00, exclusive of interest and late charges. True copies of said Note and Deed of Trust are attached hereto and incorporated by reference as Exhibits "A" and "B", respectively.

6. That there is no equity in said real property and improvements for the Debtor's Bankruptcy estate based upon the valuation of said property established by the County of Fairfax tax assessor of \$813,740.00.

7. That the Debtor has defaulted in the payments due to the Plaintiff relative to the aforementioned Deed of Trust Note totaling the sum of \$210,643.50, exclusive of attorney's fees and costs incident to the filing and prosecution of this Motion. The Plaintiff reserves the right to specify any additional payment default or delinquency that may accrue between the filing date of this Motion and the time of any hearings scheduled with regard to same.

8. That the Debtor, upon information and belief, does not wish to retain possession of the aforesaid real property and, accordingly, has provided for the surrender of same in the Debtor's Statement of Intentions. That in order to institute state foreclosure proceedings relative to the aforesaid real property and improvements, the Plaintiff is required to be relieved from the provisions of the automatic stays of the Bankruptcy Code which presently prohibit such foreclosure.

9. That in the event the Plaintiff is granted relief from stay hereunder, the Plaintiff, its agents and/or representatives, requests that the Order granting said relief allow the Plaintiff, its successors and/or assigns, agents and/or representatives to send communications, as necessary, to the Debtor, including, but not limited to, notices required by applicable state law in connection with applicable State Court foreclosure or other proceedings incident to the aforesaid real property and improvements including any proceedings necessary to recover possession of same from the Debtor.

10. That the facts hereinabove alleged constitute cause for a grant of stay relief in favor of the Plaintiff pursuant to the provisions of 11 U.S.C. Section 362(d)(1) and are further grounds for relief pursuant to the provisions of 11 U.S.C. Section 362(d)(2).

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay of the Bankruptcy Code with regard to the above-described real property and

improvements including any act necessary to recover possession of same from the Debtor and that the stay of such grant of relief imposed pursuant to the provisions of Rule 4001(a)(3) of the Bankruptcy Rules be waived.

SUNTRUST BANK

By/s/Melissa M. Watson Goode\_\_\_\_\_  
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2011, a true copy of the foregoing Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Kevin R. McCarthy, Trustee, and was mailed, first class, postage prepaid to Ajmal Jahed, Debtor, at 5912 Brill Court, Falls Church, VA 22041.

/s/Melissa M. Watson Goode\_\_\_\_\_  
Jason L. Hamlin, VSB #46931  
Melissa M. Watson Goode, VSB #73516  
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